

PTO/SB/21 (09-04)

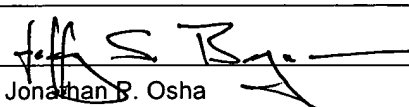
Approved for use through 07/31/2006. OMB 0651-0031

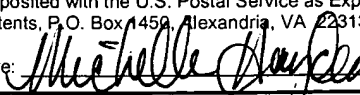
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/634,629-Conf. #7203
	Filing Date	August 5, 2003
	First Named Inventor	Michael A. Siracki
	Art Unit	3672
	Examiner Name	K. L. Thompson
Total Number of Pages in This Submission	Attorney Docket Number	05516/142002

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	OSHA & MAY L.L.P.		
Signature	 45,925		
Printed name	Jonathan B. Osha		
Date	January 28, 2005	Reg. No.	33,986

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV576719665US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: January 28, 2005	Signature:  (Michelle Hayden)



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<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b>		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		Application Number	10/634,629-Conf. #7203
		Filing Date	August 5, 2003
		First Named Inventor	Michael A. Siracki
		Examiner Name	K. L. Thompson
		Art Unit	3672
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Attorney Docket No.	05516/142002	
<b>TOTAL AMOUNT OF PAYMENT</b>		<b>(\$)</b> 500.00	

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check	<input checked="" type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 50-0591
Deposit Account Name: Osha & May L.L.P.	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		<b>Small Entity</b>		<b>Small Entity</b>		<b>Small Entity</b>	
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
							<b>Small Entity</b>
<b>Fee Description</b>							<b>Fee (\$)</b>
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
							180
<b>Total Claims</b> 15 - 40 = _____ x _____ = _____							
<b>Extra Claims</b> _____ x _____ = _____							
<b>Fee (\$)</b> _____							
<b>Fee Paid (\$)</b> _____							
<b>Multiple Dependent Claims</b>							
<b>Fee (\$)</b> _____							
<b>Fee Paid (\$)</b> _____							
<b>Indep. Claims</b> 4 - 7 = _____ x _____ = _____							
<b>Extra Claims</b> _____ x _____ = _____							
<b>Fee (\$)</b> _____							
<b>Fee Paid (\$)</b> _____							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b> _____ - 100 = _____ / 50 _____ (round up to a whole number) x _____ = _____							
<b>Extra Sheets</b> _____ x _____ = _____							
<b>Number of each additional 50 or fraction thereof</b> _____							
<b>Fee (\$)</b> _____							
<b>Fee Paid (\$)</b> _____							
<b>4. OTHER FEE(S)</b>							
<b>Non-English Specification</b> , \$130 fee (no small entity discount)							
<b>Other (e.g., late filing surcharge):</b> 1401 Notice of appeal 500.00							
<b>Fees Paid (\$)</b>							

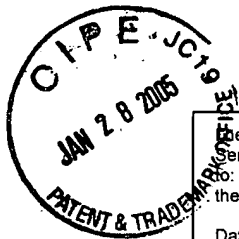
<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	33,986
Name (Print/Type)	Jonathan P. Osha	Telephone	(713) 228-8600
		Date	January 28, 2005

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Dated: January 28, 2005

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(Michelle Hayden)



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Dated: January 28, 2005

Signature:

*Michelle Hayden*  
(Michelle Hayden)

Docket No.: 05516.142002  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Michael A. SIRACKI

Application No.: 10/634,629

Confirmation No.: 7203

Filed: August 5, 2003

Art Unit: 3672

For: PREFORMED TOOTH FOR TOOTH BIT

Examiner: Thompson, K.L.

**NOTICE OF APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the Patent Examiner dated January 21, 2005, finally rejecting claims 1-15 of the above-identified patent application.

Please charge our Credit Card in the amount of \$500.00 covering the fee set forth in 37 CFR 41.20(b)(1). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 50-0591, under Order No. 05516/142002. A duplicate copy of this paper is enclosed.

02/02/2005 HDENESS1 00000043 10634629

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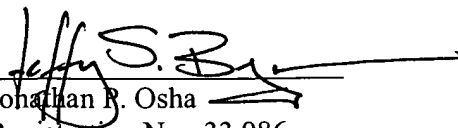
500.00 DP

Application No.: 10/634,629

Docket No.: 05516/142002

Dated: January 28, 2005

Respectfully submitted,

By   
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OSHA & MAY L.L.P.  
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Houston, Texas 77010  
(713) 228-8600  
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